

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
CURTIS JAMES JACKSON III :
p/k/a 50 CENT, TOMORROW TODAY :
ENTERTAINMENT, INC., a New York :
corporation, and G-UNIT RECORDS, INC., :
a New York corporation, :
Plaintiffs, :
vs. :
LEE Q. ODENAT a/k/a "Q" d/b/a :
WWW.WORLDSTARHIPHOP.COM, :
WORLDSTAR HIP HOP, INC., a Nevada :
corporation, WORLDSTAR, LLC, a Delaware :
limited liability company, WSHH337, LLC, :
a Delaware limited liability company, :
Defendants, :
vs. :
YVES MONDESIR, :
Third-Party Defendant. :
-----x

Case No. 09-CV-5583 (JFK/GWG)

**Defendants' Memorandum
of Law In Support of Their Motion
In Limine to Exclude Expert Report
of Aram Sinnreich**

COME NOW Defendants Lee Q. Odenat ("Odenat"), Worldstar Hip Hop, Inc. (World Star Hip Hop"), Worldstar, LLC ("Worldstar"), and WSHH337, LLC ("WSHH337") (collectively "Defendants"), by and through their attorneys, Zarin & Associates P.C., with this memorandum of law in support of their motion *in limine* to exclude the expert opinion of Aram Sinnreich ("Sinnreich"), pursuant to Fed. R. Evid. 702 and 703.

Table of Contents

I.	Introduction	1
II.	Argument	1
	A. Expert Opinions Must Be Relevant And Reliable Under Fed. R. Evid. 702.....	1
	B. Aram Sinnreich's Opinion Regarding Defendants' Revenue Is Not Relevant Under Fed. R. Evid. 702 Or Reliable Under Fed. R. Evid. 703	2
	C. Aram Sinnreich's Opinion Regarding Defendants' Traffic Volume Is Not Reliable Under Fed. R. Evid. 703.....	6
	D. Aram Sinnreich's Opinion Regarding Defendants' Market Value Is Not Relevant Under Fed. R. Evid. 702 9	
	E. Aram Sinnreich Is Not Qualified Under Fed. R. Evid. 702 To Offer An Opinion On Defendants' Market Value	10
	F. Aram Sinnreich's Opinion Regarding Defendants' Removal From The Wayback Machine Is Not Relevant Under Fed. R. Evid. 702.....	11
	G. Aram Sinnreich's Opinion Regarding The Reason For Defendants' Alleged Perceived Association With Plaintiffs Is Neither Relevant Nor Reliable Under Fed. R. Evid. 702.....	12
	H. Aram Sinnreich's Opinion Regarding Defendants' Alleged Prominent Use of Plaintiffs' 'G-Unit' Trademark Is Neither Relevant Nor Reliable Under Fed. R. Evid. 702 And Is Not Reliable Under Fed. R. Evid. 703.....	16
	I. Aram Sinnreich's Opinion Regarding Defendants' Alleged Claimed Association With Plaintiffs Is Not Relevant Under Fed. R. Evid. 702 And Is Not Reliable Under Fed. R. Evid. 703.....	19
III.	Conclusion	21

Table of Authorities

Cases

<i>Amorgianos v. National Railroad Passenger Corporation</i> , 303 F.3d 256 (2d Cir. 2002)	1
<i>Audi AG and Volkswagen of America, Inc. v. Shokan Coachworks, Inc.</i> , 592 F. Supp.2d 246 (N.D.N.Y. 2008).....	18
<i>Bibolotti v. American Home Mortgage Servicing, Inc.</i> , 2013 U.S. Dist. LEXIS 69242 (E.D. Tex. May 15, 2013)	7
<i>Board of Trustees of the Aftra Retirement Fund v. JPMorgan Chase Bank, N.A.</i> , 2011 U.S. Dist. LEXIS 144382 (S.D.N.Y. 2011).....	5
<i>Chamilia, LLC v. Pandora Jewelry, LLC</i> , 2007 U.S. Dist. LEXIS 71246 (S.D.N.Y. September 24, 2007)	18
<i>Cryovac, Inc. v. Pechiney Plastic Packaging, Inc.</i> , 430 F. Supp.2d 346 (D. Del. 2006).....	4
<i>Dukes v. Wal-Mart, Inc.</i> , 222 F.R.D. 189 (N.D. Ca. 2004)	5
<i>Estate of Courtney L. Ratcliffe v. Pradera Realty Company</i> , 2008 U.S. Dist. LEXIS 14 (S.D.N.Y. January 2, 2008) .	16
<i>Fraserside IP LLC v. Netvertising Ltd.</i> , 2012 U.S. Dist. LEXIS 180949 (N.D. Iowa December 21, 2012)	8
<i>Harris v. Kem Corporation</i> , 1989 U.S. Dist. LEXIS 16534 (S.D.N.Y. 1989)	4
<i>Hollander v. American Cyanamid Company</i> , 172 F.3d 192 (2d Cir. 1999)	15
<i>Hollman v. Taser International Inc.</i> , 928 F. Supp.2d 657 (E.D.N.Y. 2013)	10
<i>Howard v. Walker</i> , 406 F.3d 114 (2d Cir. 2005).....	6
<i>In re Agent Orange Product Liability Litigation</i> , 611 F. Supp. 1267 (E.D.N.Y. 1985)	4
<i>In re Fosamax Products Liability Litigation</i> , 807 F. Supp.2d 168 (S.D.N.Y. 2011).....	1, 2, 14, 15
<i>In re Homestore.com, Inc. Securities Litigation</i> , 347 F. Supp.2d 769 (C.D. Ca. 2004)	8
<i>In re Omeprazole Patent Litigation</i> , 490 F. Supp.2d 381 (S.D.N.Y. 2007)	2
<i>Indiaweekly.com, LLC v. Nehaflix.com, Inc.</i> , 2011 U.S. Dist. LEXIS 58683 (D. Conn. June 2, 2011)	7
<i>Innis Arden Golf Club v. Pitney Bowes, Inc.</i> , 629 F. Supp.2d 175 (D. Conn. 2009)	16
<i>Jamsport and Entertainment, LLC v. Paradama Productions, Inc.</i> , 2005 U.S. Dist. LEXIS 59 (N.D. Ill. January 4, 2005)	5
<i>Jimenez-Gonzalez v. Alvarez-Rubio</i> , 2011 U.S. Dist. LEXIS 133448 (D.P.R. November 18, 2011)	8

<i>Lightfoot v. Hartford Fire Insurance Company</i> , 201 U.S. Dist. LEXIS 139316 (E.D. La. 2011)	4
<i>Lloyd v. The United States of America</i> , 2011 U.S. Dist. LEXIS 36237 (S.D.N.Y. March 31, 2011).....	16
<i>Loeffel Steel Products, Inc. v. Delta Brands, Inc.</i> , 387 F. Supp.2d 794 (N.D. Ill. 2005).....	5
<i>Nimely v. City of New York</i> , 414 F.3d 381 (2d Cir. 2005).....	10
<i>Oceans of Images Photography, Inc. v. Foster and Smith, Inc.</i> , 2013 U.S. Dist. LEXIS 70982 (M.D. Fla. May 20, 2013)	19
<i>Point Productions A.G. v. Sony Music Entertainment, Inc.</i> , 2004 U.S. Dist. LEXIS 2676 (S.D.N.Y. 2004)	3
<i>R.F.M.A.S. v. So</i> , 748 F. Supp.2d 244 (S.D.N.Y. 2010)	13, 15
<i>Raskin v. The Wyatt Company</i> , 125 F.3d 55 (2d Cir. 1997)	16
<i>Rhead v. Mundy</i> , 2005 U.S. Dist. LEXIS 47633 (S.D. Ca. 2005)	4
<i>Sam's Riverside, Inc. v. Intercon Solutions, Inc.</i> , 790 F. Supp.2d 965 (S.D. Iowa 2011)	19
<i>Schering Corporation v. Pfizer, Inc.</i> , 1999 U.S. Dist. LEXIS 2980 (S.D.N.Y. March 16, 1999).....	6
<i>Specht v. Google, Inc.</i> , 758 F. Supp.2d 570 (N.D. Ill. 2010)	18
<i>St. Luke's Cataract and Laser Institute, P.A. v. Sanderson</i> , 2006 U.S. Dist. Lexis 28873 (M.D. Fla. May 12, 2006) 19	
<i>Stagl v. Delta Air Lines, Inc.</i> , 117 F.3d 76 (2d Cir. 1997)	10
<i>United States of America v. American Express Company</i> , 2014 U.S. Dist. LEXIS 87360 (E.D.N.Y. June 24, 2014) 10	
<i>United States of America v. Washington</i> , 498 F.3d 225 (4 th Cir. 2007)	6, 7
<i>Web Tracking Solutions, LLC v. Wexler</i> , 2010 U.S. Dist. LEXIS 143519 (E.D.N.Y. July 27, 2010)	18
<i>Westfield Insurance Company v. Interline Brands, Inc.</i> , 2013 U.S. Dist. Lexis 178949 (D.N.J. December 20, 2013) ...8	
<i>Wills v. Amerada Hess Corp.</i> , 379 F.3d 32 (2d Cir. 2004)	15
<i>Zerega Avenue Realty Corp. v. Hornbeck Offshore Transportation LLC</i> , 2010 U.S. Dist. LEXIS 58552 (S.D.N.Y. June 2, 2010)	5

Rules

Fed. R. Evid. 702.....i, 1, 2, 4, 9, 10, 11, 12, 16, 18, 19, 21

Fed. R. Evid. 703..... 1, 2, 4, 5, 6, 9, 16, 18, 19, 20, 21

Fed. R. Evid. 901..... 1, 6, 7, 18, 21